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ATTEMPT TO DEFEAT LAW, JUSTICE AND BENEVOLENCE.

We have of late so repeatedly had our feelings of moral justice and equity shocked at the open and undisguised efforts to uproot the foundations upon which all the rights of individuals rest, in this country of laws, that we are hardly surprised at any new demonstration of the recklessness of principle which may be exhibited. Our abhorrence of these disorganising acts is, however, in no wise diminished by their frequent recurrence; and we believe that we are lending our aid to the cause of virtue and constitutional right whenever we expose, in their true colors, and denounce, in appropriate language, these malign influences.

It is with this view that we have given, through our columns, as wide a diffusion as was in our power, to the honorable and manly paper which bears the signature of Dr. Ker. It details, with sufficient minuteness, the circumstance of the case which gave rise to this publication, and we cannot withhold, at this period, when dereliction from principle is so common as scarcely to create surprise at any new manifestation of it, our expression of gratification at the manliness which it indicates. We congratulate the State of Mississippi that she has so many sons who have the disposition and ability to arrest an attempt, on the part of the Legislature, to prostrate private rights, which have been recognised and sanctioned by the highest judicial decisions, and to treat as it deserves, the annunciation that 500 men "are pledged, and ready to prevent" the full administration of the laws of the land. Truly, the spirit of anarchy is stalking with a bold front in our land, when "the people have been called upon to rise up and put the laws at defiance;" when "calls have been made upon the Legislature to usurp power not granted to them by the people in the Constitution, to annul the solemn decrees of the Courts—to wrest from the

hands of the citizens, property which has been devised to them under the laws of the State."

Among the names of those who have arrayed themselves upon the side of the Constitution, and the highest and best interests of the country, we rejoice to perceive those of men whom we have long been accustomed to honor and esteem. We rejoice, that in one branch of the Legislature a sufficient number has been found to stem effectively the torrent which threatened to involve the sacred rights of individual property, and the barriers which the Constitution had erected for their protection, in one common ruin.

We invoke the earnest, the solemn attention of our readers, of all descriptions, and of all political opinions, to the "history" we have given for their perusal; and our earnest prayer to Heaven is, that their minds may be so illumined with the rays of religious patriotism, as to view the subject in the way in which it ought to be considered, and to perceive, in time, the frightful precipice to which such men, and such principles as are here held up to our notice, are leading our beloved country.

Dr. Ker has not only, for many years past, rendered great services to the cause of African Colonization, and, with the gentlemen to whom his letter is addressed, contributed liberally to its treasury, but has shown a resolution and consistency in defending the Laws and Constitution of the country, not to be shaken.

CORRESPONDENCE.

NATCHEZ, *December* 10, 1841.

DEAR SIR:—We are informed that during the last Session of the Legislature, an attempt was made to legislate upon rights, resulting from the last wills of Captain Ross and Mrs. Reed, of Jefferson County. We know that a suit has been prosecuted through the Courts, (the only competent tribunals,) against the validity of these wills. We know that they have been sustained by the Chancellor, and that his decision has been affirmed by the High Court of Errors and Appeals. We, (if we have been correctly informed,) deem any such attempts at legislation to be an assumption of powers not granted to the Legislature; a gross and dangerous violation of private rights. We conceive that every citizen of the State is deeply interested in a knowledge of the facts, in relation to proceedings so extraordinary, so unconstitutional, and so subversive of the foundation of a Government of Laws.

The relation in which you stood to us, and the other citizens of this County, as our Senator, when (as we are told) these measures were originated in the Legislature, we presume, gives us authority to make this call upon you for such a statement, for the information of the public, as you may deem necessary, for a full and correct understanding of the subject.

We are, sir, with great respect, your obedient servants,

W. C. CONNER,	JOHN F. GILLESPIE,
WILLIAM DUNBAR,	JAMES A. GILLESPIE,
JOHN HUTCHINS,	ISRAEL P. SMITH,
JOHN S. MOSBY,	JAMES H. MITCHELL,
J. RAILEY,	HENRY L. CONNER.
C. S. ABERCROMBIE,	

To Dr. JOHN KER, *Linden*.

To W. C. Conner, and others.

Gentlemen:—In accordance with the request made to me in your letter of the 10th December, I herewith hand you for publication a statement of facts relative to the wills of the late Captain Isaac Ross, and Mrs. M. A. Reed, and a brief history of the attempt made during the last session of the Legislature to prevent their execution. In doing so, I can hardly hope to escape the imputation of evil motives, to discredit my statements. But I feel the most perfect confidence in the truth of all the facts which I allege, and of my ability to sustain them before any tribunal. Most of them are well known to hundreds. Whilst I feel conscious that I am influenced by no intention of injuring any fellow man, either in character or fortune, a solemn sense of duty forbids that I should suppress or disguise the truth, whatever may be the consequences to myself.

Respectfully yours, &c.,

JOHN KER.

A BRIEF HISTORY.

During the last Session of our Legislature, measures were introduced into the House of Representatives, and passed by that body, which were evidently intended to annul the provisions of the last wills and testaments of the late Captain Isaac Ross, and of his daughter, Mrs. M. A. Reed, both of Jefferson County. These measures were defeated in the Senate, but, I regret to say, not without difficulty, arising, as I believe, from misrepresentations by interested and prejudiced persons; and I have reason to believe that the purpose is not yet abandoned, but will be renewed. As I conceive this attempt to legislate away one of the rights most dear to men, and hitherto held sacred, the right to dispose of property, by will or otherwise, at pleasure, I must ask your patient attention to a brief history of the wills which it was the object of these measures to destroy, after their legality and validity had been sustained, at the end of a severely contested lawsuit, by the highest judicial tribunal of the State.

With the late Captain Isaac Ross, as well as his daughter, Mrs. Reed, I had the honor of a personal acquaintance for more than 20 years, before the death of the former. To those who enjoyed his acquaintance, it would be superfluous for me to say that no man could sustain a higher character for unsullied probity and honor, or for vigor, energy and independence. His character was formed in the battle-fields of his country during her war for liberty and independence. By his subsequent industry and energy, he acquired a large fortune, much of which, during his life, he dispensed in the liberal settlement of his children. In August, 1834, he made his will after long deliberation, and in unquestioned sanity and vigor of mind—providing that most of his slaves should have the privilege of being sent to Liberia, in Africa, and that the remainder of his estate should be sold, and after paying some legacies, (one of which was $10,000 to a grand-daughter,) the proceeds to be applied to the use and benefit of said slaves in Africa. In October of the same year, in February, March and June, 1835, and in January, 1836, he made as many different codicils, modifying slightly, but all sustaining the main provisions of the will. These circumstances are stated to corroborate what I allege upon my own responsibility, that he had long intended to make the disposition of his property for which the will provided. This is the more proper, inasmuch as great pains have been taken to make the impression, that the will was made in the immediate prospect of death, and under the influence of

"priests and fanatics." The truth is, he counselled with no priest or clergyman, and no man was ever more free from the influence of that class of men, or of any description of fanaticism. His slaves (at least most of them) had long labored with and for him, and they felt, in a high degree, the mutual attachment which is not uncommon in the South between master and slave, and which ought to put to shame the slanders of ignorant or wicked Northern fanatics. He ardently desired to provide for their welfare and happiness after his death. It is not for others to determine whether the plan he adopted was wise or unwise. He believed he had an unquestionable right to make such disposition as he pleased of his property, not inconsistent with the rights of others, and the laws of his country. He was rather hostile, than otherwise, to religion, or at least to the creeds taught by any of the prevailing Christian denominations; and although kind and hospitable to clergymen (and all others) who visited his house, he was far from being influenced by any one. Even the Rev. Mr. Butler, who, from having been a class-mate in college with a son of Capt. Ross, had visited and become intimate in the family, had never been in any way consulted by him relative to his will.

Captain Ross died in January, 1836. By the provisions of one of the codicils, he had left to his daughter, Mrs. Reed, the possession and use of his residence, and other property, during her life, or as long as she might choose; and provided for the postponement of the principal provisions of the will until her death, or such time as she might previously determine. Before her death, she had ample proofs of the determination of some of the heirs at law of her late venerated father, to dispute the validity of the will, and to defeat the main objects of the testator. Her filial piety was deeply wounded, and her indignation strongly excited by this intention; and fearing that they might possibly succeed, she determined to make her own will in such manner as would, if possible, avoid the danger of litigation. She accordingly devised her whole estate, (with the exception of some small legacies,) to Rev. Zebulon Butler, and Dr. Stephen Duncan. Before making her will, she consulted with neither of these gentlemen, whom she also appointed her executors. Nor is there reason to believe that she consulted with any one, except the legal gentleman (the late Mr. Chaplain) whom she sent for to draw up her will. It was not until some time afterwards that Mr. Butler was apprised that he was to be one of the executors; nor even then did he know the purport of the will. He then regretted, as he has done ever since, that his dying friend would not release him from the duty of serving her in that capacity. He could not resist the solemn and affecting appeals that she made to him when in a dying state. She had intended, at a former period, to make a nephew one of the executors of a will similar to her father's, but the course taken with regard to his will had changed that determination, and embittered her feelings towards her relations. She was still farther exasperated, by declarations made to her, that a learned lawyer had given his opinion, that she could not make a will (to effect her known wishes) that he could not break. To secure, as far as possible, the principal object of her father's will, in case of its being declared invalid, in which event one-third of his estate would be hers by legal inheritance, she made a codicil to her will, devising to Dr. Duncan and Mr. Butler her portion of her father's estate. She doubtless believed that in that case these gentlemen would have power to dispose, without controversy, of this property as they pleased, and that they would

at least carry into effect the known wishes of her father, with regard to such of his slaves as should fall into their hands, by virtue of her will. It is also probable, that she expected from them a similar disposition of her own slaves, as she left, at her decease, a letter addressed to them, stating that she had intended to make a will similar to her father's, but that having been informed that such a will might be declared invalid by the Courts, she had made another will and left them her executors. Soon after the decease of Mrs. Reed, a suit was brought in the Chancery Court to defeat both her will and that of her father. The Chancellor's decree sustained both wills. An appeal was taken to the "High Court of Errors and Appeals," and there, after elaborate arguments, the Chancellor's decree was affirmed. The ground on which the wills were contested, was (*assuming* that the devise to Dr. Duncan and Mr. Butler was a *trust*, for the real purpose of emancipating the slaves,) their alleged "contravention of the laws and policy of the State," in regard to the manumission of slaves. The Courts decided that the laws and policy of the State, as opposed to manumission except by legislative consent, had no application to a will providing for the removal of slaves beyond the limits of the State for the purpose of manumitting them—the object of the law referred to, having been only to prevent an increase of free negroes within the limits of the State. By the law, no citizen could manumit his slave or slaves, within the State, except in specified cases, and by legislative action. But no shadow of doubt could exist, that any citizen possesses the right (which cannot be taken from him even by law) to remove his slaves from the State for the purpose of setting them free, or any other, at his pleasure. Nor until recently was it ever doubted that the right exists in every one, to provide by will for the removal of his slaves from the State after his death, without question of his motive or object. Several wills of this nature have been made and executed in this county without even a question of the right, without allegation of their contravening the laws and policy of the State, and without even a suspicion that they were calculated to disturb, or that they had disturbed the peace or safety of society in the relation of master and slave. And in reference to the charge of religious or fanatical influence in dictating the many wills which have provided for the transportation of slaves to Africa, it is a remarkable fact, that so far as I know, in every case of such testamentary provisions, the testator has not been a professor of religion, but on the contrary, some of them have been decidedly hostile to every known Christian sect.

Having, as briefly as possible, stated the facts in relation to these wills, I am now prepared to give you the history of the most extraordinary attempt at legislation which has ever occurred within my knowledge.

On the 10th day of January, during the last adjourned session of our Legislature, the following resolution was passed by the House of Representatives, and sent to the Senate for concurrence:

"Whereas, it is provided by the laws of this State, that no citizen thereof shall, by his or her last will or testament, manumit or set free his or her slaves, except by the Legislature of this State, evidenced by a special act for that purpose passed; and whereas, Isaac Ross and Margaret A. Reed, late citizens of the County of Jefferson, in this State, did, by their last wills and testaments, attempt, directly and indirectly, to manumit upwards of 300 slaves, belonging to them at the time of their decease, for the purpose of

colonizing them in Africa, or elsewhere; and whereas, it is contrary to the settled policy of this State, and of dangerous example to the slaves thereof, to encourage or permit their manumission under the circumstances aforesaid,

"*Therefore be it resolved by the Legislature of the State of Mississippi*, That they will not consent to the manumission, either directly or indirectly, of the slaves mentioned in the last wills and testaments of the said Isaac Ross and M. A. Reed, nor will they consent to the transportation of said slaves to Africa or elsewhere, for the purpose of being there manumitted."

On the 3d day of February, this resolution was finally laid on the table of the Senate by a majority of one vote.

On the 22d of January, the following bill was introduced into the House of Representatives, and the rules having been dispensed with, was passed, (without a call of the ayes and nays,) and sent to the Senate:

"An act declaratory of the laws and policy of this State, on the subject of domestic slavery.

"SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act, no executor or executors, or any other person or persons, shall remove, or cause to be removed, the slave or slaves of any deceased person or persons, from this State, for the purpose of transporting such slave or slaves to Africa or elsewhere, for the purpose of colonization, emancipation, or freeing such slave or slaves, under, or by virtue of any will or codicil for that purpose.

"SEC. 2. *Be it enacted, &c.*, That in all such cases when the slave or slaves of any deceased person or persons shall have been devised in trust, or left to the executors, or other persons, for the purposes prohibited by the 1st section of this act, that such slave or slaves shall descend to, and be distributed among the heirs of such deceased person or persons, in the same manner as if such deceased person or persons had died intestate.

"SEC. 3. *Be it enacted, &c.*, That this act shall take effect from and after its passage."

This bill having been committed to a Committee of the whole Senate the following amendments offered by Senator Tucker, (now Governor elect,) were, on the 3d of February, adopted by the Senate—ayes 16, noes 14, viz:

"Amend, Section 1. By inserting after the word '*Executors*,' in the 3d line (of the bill) the words following, viz: 'of any last will and testament or codicil, hereafter made and published,' and by inserting after the word 'persons,' same line, 'by authority created or conferred after the passage of this act.'"

The bill with these amendments (which it is obvious were necessary to prevent the law from having a retrospective, and therefore unconstitutional operation) was passed and sent back to the House of Representatives for their concurrence in the amendments. The printed journals of the House of Representatives, show no trace of the bill there, except the message from the Senate, asking concurrence in the amendments. But on the 4th of February it was sent back to the Senate, with a message, refusing to concur.

On the 5th of February, the message of the House of Representatives was called up, and a strenuous effort made to recede from the amendments. But on my motion the bill was laid upon the table until the Monday following, which was a day after the close of the session. This was equivalent to rejection. By joint resolution of the two Houses, the session was to close on Saturday evening, the 6th of February, at 7 o'clock.

Long after 7 o'clock, perhaps 9 or 10, on the evening of the 6th, whilst I was for a moment absent from the Senate Chamber, an attempt was made to call up the bill. On my return I stated to the Chair, that having been "laid upon the table until Monday next," (a day beyond the session) "the bill could not be called up, except by a motion to reconsider," which could be made only by one of the majority who had voted to lay it on the table. It was alleged by some Senators that this was not so, and the Senator in the Chair (not the President, but the same who occupied it the day preceding, when the bill had been disposed of) declared he did not recollect. I insisted, and expressed my surprise that the Chair did not remember, as immediately after the vote I had emphatically called his attention, and that of the Senate, to the fact, that the motion which had just been carried was to lay on the table *to a day beyond the session.* I appealed to the Senate. The President *(pro tem.)* appealed to the journal. This had not been made up, and read, as usual, in the morning. The Secretary, after looking at his notes, at first alleged that it was the ordinary motion simply "to lay upon the table." But when I still persisted, and moved a call of the Senate, he at length discovered that I was right. Thus ended, for that session, this extraordinary attempt to legislate away the solemn decisions of the highest judicial tribunals of the State.*

Soon after these measures had passed the House of Representatives, and whilst their fate was pending in the Senate, I addressed myself to a member of that House, whom I happened to see in the lobby, and with whom I had always enjoyed respectful and friendly intercourse, and expressed my astonishment to him that the House of Representatives could pass measures of such a character—striking (as I conceived) at the roots—the very vitals —of a government of laws and equal rights. I scarcely know which surprised me most, the fact of his advocating them, or the grounds upon which he did so. He said (in substance) that if the wills should not be defeated by the Legislature, they would be by violence—that every man in Jefferson County was opposed to the wills, and that 200 men were ready to oppose their execution by force of arms, and that he wished to save that county from the odium, or disgrace of such a procedure. He admitted that he did not believe that the Legislature could reverse a decision of the Courts; but he wished their action upon this subject to exert a moral influence," &c. I confess that I was then, as I am now, incapable of understanding how a legislative act, the plain and obvious import and object of which was to make *null* and *void*, and to *reverse* the decrees of the High Court of Errors and Appeals, could exert any *moral* influence. Nothing that I can conceive of could be more fatally *demoralizing* in its effects.

Another highly respected member of the House of Representatives denied to me that the will was intended to have any retrospective operation,

* I cannot but here state a fact, (without attempting to attach blame to any individual, for I know not who is culpable,) that the printed Journals of the sessions in which I served as a Senator, are exceedingly erroneous. To specify an instance or two: In the Journal of the House of Representatives, there is no note of any proceedings on the 20th January, and yet the House transacted business on that day. Again, in the Journal of the Senate, on the 5th of February, there is no record of proceedings of the Senate on the above mentioned bill, and yet it was, as above stated, taken up, and on my motion, after debate, "laid on the table until Monday next." And the minutes of Saturday, the 6th, in relation to the action of the Senate on that bill, does not state the truth. It was NOT taken up, (although an attempt was made to take it up, contrary to all rules,) nor was it on that day LAID UPON THE TABLE, as stated by the Journal It is no light matter that the Journals of the Legislature should be falsified.

or to affect the decisions of the Courts. But how can these gentlemen reconcile these declarations with the fact, that when the Senate made the amendments which rendered the bill *prospective only*, and deprived it of its obviously intended *retrospective character*, they refused to concur in the amendments. If, as the *innocent title* of the bill purported, the intention was *bona fide* to declare the laws and policy of the State for the *future government* of its citizens, why did they not agree to the amendments? But no! this would not reach the real object, and therefore the friends of the bill would not have it. The prime movers of this measure were *interested lobby members*, and especially *one* who had labored hard, but ineffectually, in the Courts for a large contingent fee, and who was now to be seen, day after day, and week after week, in the lobbies of the Legislature, diligently and ardently promoting the passage of these measures by such arguments as he deemed most potent, and which had well nigh effected their adoption.

But what were the strong arguments used on the floor of the Senate to sustain these measures? In addition to those already alluded to, I think the most prominent were the following:

1. It was alleged that insubordination existed among the slaves of these two estates, to such an extent as to produce great and general alarm in the neighborhood, and even lively apprehensions of an insurrection, &c. I cannot do justice to the eloquence which was called into exercise in the description of the dangers and horrors which impended over this ill-fated neighborhood. But like many other splendid passages of poets and orators, this eloquent description had much more of fiction than fact for its foundation. Subsequent investigation has enabled me to say, that on the estate of Capt. Ross there never had been the slightest insubordination; and on that of Mrs. Reed, none more formidable than frequently occurs from the change of overseer; and none that was not promptly quelled by the energy and resolution of a single citizen. But for the sake of argument, suppose it had been true, that the negroes were a vicious, insubordinate and dangerous set. What would have been the danger to the neighborhood, or to the State, of sending them off to Africa? But one of the complaints actually made against the executors of one or both of the wills, was, that the negroes had not been *promptly* removed. This complaint comes certainly with a bad grace in behalf of those who, by bringing a law-suit to defeat these wills, coerced the executors to incur the heavy expenses incident to litigation, when so large an amount was involved—expenses amounting to more than thirty thousand dollars, and thereby created the necessity of detaining the slaves, even after the termination of the suit, to defray them. They first prevented the possibility of removing the negroes, by bringing a suit to break the will, and then charge the executors with unnecessary delay, because they have to be detained to make the money to pay the expenses of the suit.

2. It was insinuated, if not alleged, that the wills were made under the influence of the terrors of death and judgment, inspired by "priests and fanatics," operating upon minds enfeebled by disease and suffering. Much also was said of a similar character. These allegations, if true, and if they had been proved before the Courts upon the trial, might have had some just weight; but unfortunately there is not a shadow of truth to support them, and I believe not even an attempt was made to prove them. And in the case of Captain Ross, the will itself bears internal and irrefutable evi-

dence of the contrary. The privilege intended to be secured to most of his slaves was distinctly excepted and withheld by the testator, from a portion of them, whom he directed to be sold. This proves that it was no death-bed alarm of conscience from the abolitionists' sin of slaveholding. It is evident that if this had been the feeling which prompted the will, it would have been made to embrace *all* the slaves in the provisions for emigration to Africa.

3. It was alleged of the executors of Mr. Reed, that one (Mr. Butler) was a clergyman, and that the other (Dr. Duncan) is a very rich man, and president of the Colonization Society. An artful attempt was made to identify colonization with abolitionism, and to attach the odium which very properly falls upon the latter, to all who would be concerned in executing the intentions or supposed wishes of the testators in regard to the removal of the slaves to Africa. Much was said about fanaticism and "abolitionism in disguise." I have said that an *artful* attempt was made, because I can scarcely suppose a Senator, and especially the principal champion on this occasion, so badly informed on the subject as not to know that the most *deadly hostility* exists, on the part of the abolitionists, to the Colonization Society, and to the object to which (in the language of its constitution) "its attention is to be *exclusively* directed," viz: "to promote and execute a plan for colonizing (with their own consent) the *free people of color* residing in our country, in Africa or such other place as Congress shall deem most expedient." The chief difficulty in the way of the Society is want of adequate funds. Emigrants are offering themselves in greater numbers than they have means for transporting and providing for. This fact proves that the Society could have no motive to persuade masters to emancipate their slaves.

The characters of the gentlemen who, without their knowledge, had been appointed the executors of Mrs. Reed's will, require no defence at the hands of so humble an individual as myself. They are emphatically men *without reproach.* One of them, it is true, is a clergyman; but this, I trust, can only be a subject of reproach, even among those who make no profession of religion, when the life and conduct is inconsistent with the profession. It is in vain that diligent efforts have been made to attach odium to him in consequence of his unfortunate connection with one of these wills, whilst it is impossible to deny to him the most absolute disinterestedness. Even his accusers unintentionally praise him. Of what is he accused? Of intending or desiring to remove to Liberia, in Africa, *his own slaves.* A will has been made, by virtue of which, so long as there is any law in the land, the property (slaves and all) of the late Mrs. Reed, have incontestably become the property of Mr. Butler and Dr. Duncan. Their title to the property cannot be questioned; and if there was an execution in the hands of the sheriff of that county against either of these gentlemen, it would be subject to seizure and sale to satisfy the execution—nor could any legal power prevent it. Who will deny that Mrs. Reed had the right to make these gentlemen her heirs? Well, if they had applied the estate to their own use, they might unquestionably have done so. But because they desire to make a disposition of the property by which they cannot be benefited, they are abused and vilified, and even threatened with the interposition of force, to prevent the execution of their intentions. It has been publicly boasted that 500 men are pledged, and ready to prevent them from removing their slaves.

I appeal to you, if this is a mere private contest for property, in which we have no concern. So long as it was confined to the judicial tribunals, this would have been the case, and public discussion of the subject would have been improper. But on the part of those who contested the wills, this becoming silence was not observed, even pending the litigation in the courts. Publication was made in the newspapers of the briefs of the lawyers, and other *ex parte* views of the case, for no other obvious purpose than that of operating through popular prejudices upon the courts. There was nothing in this case to justify, or even to apologize for such attempts to create popular excitement. It demanded only the calm and unbiassed judgment of the courts—the only tribunals which could legally take cognizance of the questions at issue. But after the most full and labored arguments of the most able and learned counsel on both sides, the high court of errors and appeals, the highest tribunal in the State, affirmed the judgment of the Chancellor, sustaining the wills. But, as you have seen, the contest was not given up. The people have been called upon to rise up and put the laws at defiance—calls have been made upon the Legislature to usurp power not granted to them by the people in the Constitution, to annul the solemn decrees of the courts—to wrest from the hands of citizens property which has been devised to them under the laws of the State. And shall it be said that you and I have no concern with these extraordinary movements? If we quietly fold our arms and passively acquiesce in such proceedings, what security, I ask, have any of us for the protection of law to our property, our lives, or our liberty? To what purpose have we yielded a portion of our natural liberty, in the constitution of civil government, if, on the one hand, we are compelled to submit to the decisions of the established tribunals of the country; whilst on the other, in the protection of our rights and property, and perchance of our lives, the same authority is to be trampled upon and set at naught? Has it indeed come to this, that the laws of the land are to be annulled by one man, or even by 500 men, because certain testators did not happen to make their wills in accordance with their views, or with public sentiment? Let us not deceive ourselves. Passive acquiescence in such doctrines or in such measures is *criminal.* "The poisoned chalice may soon be returned to our own lips." *We may be the next victim to the ruthless hand of lawless usurpation and violence.*

I am, gentlemen, your friend and fellow-citizen,

JOHN KER.

LINDEN, *December* 15, 1841.

NOTE.—The above letter was written some time ago, and would then have been published, but that the writer was informed that some legal steps had been renewed in relation to one of the wills. The publication was then suspended. The writer has, however, just seen a copy of the 7th section of a bill now before the House of Representatives, entitled "An act to amend the several acts of this State relative to free negroes and mulattoes." This section is so palpably adapted, and intended to bear upon these wills, that he cannot feel at liberty longer to withhold the publication.

February 1, 1842.

THE RIGHT OF SEARCH AND AFRICAN SLAVE TRADE.

The question of the right of search in relation to the African slave trade on the coast of Africa, and within certain well defined limits, is one of great interest to this country and to humanity. In our number for January 15th we published a notice from the *Journal* of *Commerce* in reference to the controversy between our late minister and Lord Palmerston on this subject. We now insert the following brief notice, copied by the *Christian Register* from the *Old Colony Memorial*, as containing the substance of that controversy, and a very able article on the general subject of the right of search from the *Boston Daily Advertiser and Patriot*, with some other extracts, which may serve to elucidate the subject.

"Lord Palmerston admits that the search of American vessels is irregular—but in several of the first instances which occurred, he pleads the provisions of a special agreement between the commanding officers of the British vessels on the African coast, and Com. Payne, of the United States, for securing and detaining ships found trading in slaves. Subsequently Lord P. alleges that the sole intention of British vessels in searching, was to ascertain whether the vessel really had a right to the colors under which she was sailing—the search extending only to the papers, to which he is sure the United States Government cannot object. This distinction between the right of search and the right of visitation, Mr. Stevenson promptly denies, in his letter to Lord Aberdeen, Lord P.'s successor. He contends that public law secures to the vessels of all nations in time of peace, exemption from every species of interruption, as well as detention; that the slave trade is not piracy by the law of nations. Lord Aberdeen replies that the fact that the slave trade is carried on by ships of other nations under the American flag, justifies the examination of suspected vessels. He renounces all right to visit and search American vessels, and contends that it is not as American vessels that they are visited. This has been the custom for a long time, of all nations; and Great Britain claims no right which she is not willing to grant. The reply of Mr. Stevenson reiterates his former position, and makes the decisive intimation that the continuance of these searches would necessarily lead to unhappy consequences."

From the Boston Daily Advertiser and Patriot.

THE RIGHT OF SEARCH ON THE COAST OF AFRICA.

The President of the United States, in his recent message to Congress, has characterized, as an *interpolation into the maritime code*, the claim made by the British Government with regard to vessels on the coast of Africa suspected of being engaged in the slave trade, and bearing American colors. A declaration like this, from the Executive of the country, even if it did not find support in many minds, is entitled to the gravest consideration; and the more so as the question raised is supposed by some distinguished Senators to involve the issues of peace and war. We trust it may not be without its uses, to examine this question, and to try the correctness of the position assumed by our Government.

And first, let us understand distinctly the ground taken by the British Government. This will be found in the important correspondence between their Foreign Secretary and Mr. Stevenson, which has recently been communicated to Congress, an analysis of which we shall present.

This correspondence opens with a note, bearing date August 8, 1841, from Lord Palmerston, in reply to two notes from Mr. Stevenson, bearing date September 13, 1840, complaining of the search and detention of the United States vessel Douglass, and of the ill treatment of the crew, by Lieutenant Seagram, of her Majesty's brig Termagant. After a statement of the facts of this case, Lord Palmerston adds that the visit, the search, and the detention of the Douglass by Lieutenant Seagram took place under a full belief on the part of that officer, that he was pursuing a course which would be approved by the Government of the United States; and that, in his conduct towards the crew of the vessel, he appears scrupulously to have avoided any act which would justly give cause of offence to a friendly Power. Lord Palmerston, therefore, expresses the confident hope, on the part of her Majesty's Government, that, upon a consideration of the whole case, the Government of the United States will be of opinion that *although the act of Lieutenant Seagram in detaining a United States slave-trading vessel was, in the abstract, irregular*, yet the impression under which he did it, and the motives which prompted him to do it, exempt him from any just blame.

In another note, bearing date August 5, 1841, in reply to one from Mr. Stevenson of February 27, 1841, Lord Palmerston explains the circumstances which led to the detention by a British cruiser of the two United States vessels, Iago and Hero. It seems that these were detained by virtue of an agreement between the commanding officer of the British ships on the coast of Africa and the officer commanding the American vessel on that station. Such cases, however, it is said, cannot happen again, because positive orders were sent by the Admiralty, in February last, to all her Majesty cruisers employed for the *suppression of the slave trade*, not again to detain or meddle with the United States vessels *engaged in the slave trade*. His lordship most emphatically adds, that *it is indisputable that British cruisers have no right, as such, to search and detain vessels which are the property of citizens of the United States, even though such vessels may evidently be engaged in the slave trade.*

It seems clear that, in these two notes, no claim is made inconsistent with the rights of the United States, according to their nicest construction. It is in two other notes, dated August 27, 1841, that the doctrine which has been drawn in question was for the first time put forth. The first of these is in reply to one from Mr. Stevenson, under the date of May 15, 1840, complaining of the detention of a brig under American colors, called the Mary, by one of her Majesty's cruisers. Lord Palmerston states at length the circumstances under which this vessel was detained and carried into port. The British commander, he thinks, was fully justified in considering her a Spanish vessel, and, consequently, in taking her before the British and Spanish Court. And he adds that, although British ships of war are not authorized to visit and search American vessels on the high seas, yet, if a vessel, which there is good reason to suppose is in reality Spanish property, is captured and brought into a port in which a mixed British and Spanish court is sitting, the commissioners may properly in-

vestigate the case; and, upon sufficient proof being adduced of the Spanish character of the vessel, and of her having been guilty of violating the treaty between Great Britain and Spain for the suppression of the slave trade, the court may condemn her, *notwithstanding that she was sailing under the American flag, and had American papers on board.*

The doctrine suggested in this note is distinctly enunciated in the second note of the same date, in reply to one from Mr. Stevenson, bearing date more than a year before, viz: August 14th, 1840, on the subject of a complaint made by the American Government against the commander of a British cruiser for having *boarded* the American ship Susan, when off the light of Cape Frio, in the month of April, 1839. In this note, Lord Palmerston says, that *her Majesty's Government do not pretend that her Majesty's naval officers have any right to search American merchantmen, met with in time of peace.* He then adds:

"But there is an essential and fundamental difference between searching a vessel and examining her papers to see whether she is legally provided with documents entitling her to the protection of any country, and especially of the country whose flag she may have hoisted at the time. For, though by common parlance the word "flag" is used to express the test of nationality, and though, according to that acceptation of the word, her Majesty's Government admit that British cruisers are not entitled, in time of peace, to search merchant vessels under the American flag, yet her Majesty's Government do not mean thereby to say that a merchantman can exempt himself from search by merely hoisting a piece of bunting with the United States emblems and colors upon it; that which her Majesty's Government mean is, that the rights of the United States flag exempt a vessel from search, when that vessel is provided with papers entitling her to wear that flag, and proving her to be United States property, and navigated according to law.

"But the fact cannot be ascertained unless an officer of the cruiser whose duty it is to ascertain this fact shall board the vessel, or unless the master of the merchantman shall bring his papers on board the cruiser; and this examination of papers of merchantmen suspected of being engaged in the slave trade, even though they may hoist a United States flag, is a proceeding which it is absolutely necessary that British cruisers employed in the suppression of the slave trade should continue to practise, and to which her Majesty's Government are fully persuaded that the United States Government cannot, upon consideration, object."

"The cruisers employed by her Majesty's Government for the suppression of the slave trade *must ascertain by inspection of papers, the nationality of vessels met with by them under circumstances which justify a suspicion that such vessels are engaged in the slave trade*, in order that, if such vessels are found to belong to a country which has conceded to Great Britain the mutual right of search, they may be searched accordingly; and that, if they be found to belong to a country which, like the United States, has not conceded that mutual right, they may be allowed to pass on, free and unexamined, to consummate their intended iniquity."

It is not unimportant, as showing the deliberation with which this doctrine was promulgated, to observe that more than a year intervened between Mr. Stevenson's note complaining that the American ship Susan had been *boarded* and Lord Palmerston's reply. It was also one of his

Lordship's last official acts, as the ministry of Sir Robert Peel came into power only a few days after. Lord Aberdeen, however, who succeeded to the post of Foreign Secretary, in a very able note, bearing date October 13, 1841, re-asserted with one important qualification, the doctrine of his predecessors, and developed, at considerable length, the grounds on which it stood, as well as the proper limitations it must receive in its practical application. In this note, Lord Aberdeen distinctly renounces all pretension, on the part of the British Government, to visit and search American vessels in time of peace. To do this, he says, when that right is not granted by treaty, would be an infraction of public law and a violation of national dignity and independence. It is not as American that vessels are visited. But it has been the invariable practice of the British navy, and, as Lord Aberdeen believes, of all the navies in the world, to ascertain by *visit* the real nationality of merchant vessels met with on the high seas, *if there be good reason to apprehend their illegal character.* Lord Aberdeen then adds a very important qualification of the doctrine, which has not been stated by Lord Palmerston. He says that so much respect and honor are due to the American flag, that it is admitted *no vessel bearing it ought to be visited by a British cruiser, except under the most grave suspicions and well founded doubts of the genuineness of its character.*

It will be observed, that it is not simply the suspicion, as stated by Lord Palmerston, that the vessel is engaged in the slave trade, which is put forth as a justification of the asserted right of inquiry, but a most grave suspicion and well founded doubt as to the nationality of the vessel. This essential qualification presents a rule different from that first laid down in Lord Palmerston's note of August 27, 1841; and appearing in the last note, it is, doubtless, to be taken as an integral part of the claim of the British Government.

Before proceeding further we will state this claim again. The British Government admit the act of one of their cruisers, in detaining a United States slave-trading vessel, to be, in the abstract, irregular; they say, that it is indisputable that British cruisers have no right to search and detain vessels which are the property of citizens of the United States, even though such vessels may evidently be engaged in the slave-trade; but they assert a right, in behalf of their cruisers, to ascertain, by inspection of papers, the true nationality of vessels, bearing American colors, and suspected of being engaged in the slave trade, where there are circumstances exciting most grave suspicions and well founded doubts of the genuineness of their character.

Such being the actual claim of the British Government, it is difficult to see how Mr. Stevenson could find it "no essential difference from the right of search in its harshest form;" "the assertion of the right to detain and examine *all vessels* on the coast of the African seas;" and "a claim of jurisdiction over the whole of the African seas and coasts, as exclusive as that which could only be enjoyed within the acknowledged limits of local sovereignty." If he really saw this broad usurpation—and we cannot doubt that he did—we can appreciate his solemn protest against it, as alike inconsistent with the principles of public law, with the rights and sovereignty of the United States, and with the sense of justice which belongs to the British nation.

But the President has, to a certain extent, sanctioned the protest of Mr. Stevenson. He has characterized the British claim as an interpolation into the maritime code, and as the assertion of a right which this Government cannot recognise as legitimate and proper. It is important, then, to ascertain whether this is so. Is the claim of the British Government an interpolation into the maritime code?

In the first place, what is the *right of search*, usually so called? It is strictly a belligerent right, allowed by the general consent of nations in time of war, and limited to this time. It is the right on the part of the lawfully commissioned cruisers of a belligerent nation, to visit and search *merchant ships* on the high seas, *whatever be the ships*, whatever be the cargoes, whatever be the destination; because, till they are visited and searched, it does not appear what the ships, or the cargoes, or the destinations are; and it is for the purpose of ascertaining these points that the necessity of this right exists. If, upon the search, it appears that the ship is enemy property, or engaged in a contraband trade, or that her cargo is enemy property, or that her destination is to a blockaded port, she is liable, by the law of nations, to be taken, and brought in for adjudication, before a prize court. This right has been pronounced by the Supreme Court of the United States as growing out of and *ancillary to the greater right of capture.* And Sir William Scott, in one of his admirable judgments, said that it was so clear in principle that no man could deny it who admits the legality of maritime capture; because, if you are not at liberty to ascertain, by sufficient inquiry, whether there is property that can legally be captured, it is impossible to capture. The troubles and detentions to which innocent neutrals are exposed, from the exercise of this right, most sensibly add to the wide spread distress which is caused by the iron flail of war.

The right of a belligerent cruiser to detain and search, in order to ascertain whether the ship or cargo is liable to capture, naturally carries with it all the means necessary to its exercise. It cannot lawfully be resisted. The neutral ship may be compelled to lie by and wait the approach of the cruiser, and, if she does not, the cruiser will be justified in such an exercise of force as is proper to compel her. She may be boarded—her papers may be examined in order to determine her nationality and her destination—her cargo may be overhauled, in order to determine whether it is contraband of war or enemy property; and the ship may be detained so long as is necessary to conduct this examination to the satisfaction of the belligerent commander. The exercise of this right, being strictly lawful, involves the cruiser in no trespass or wrong, and in no liability to costs and damages, provided always that the search is conducted with proper prudence, and with as little personal harshness as is consistent with the due enforcement of so disagreeable a duty. And any injuries that may casually arise to property or persons of the neutral ship are to be regarded as misfortunes, to be borne where they fall, and carrying with them no personal liability.

Such is the right which Mr. Stevenson is not able to distinguish from that now claimed by the British Government on the coast of Africa. Well may Lord Palmerston say that he hopes the day is not far distant when the Government of the United States will cease to confound two things which are in their nature entirely different; will look to things, and not

to words, and perceive the wide and entire distinction between that right of search which has heretofore been a subject of discussion between the two countries, and the right now claimed.

The latter we will call, for the sake of greater clearness and to avoid confusion of terms, *a right of inquiry*. It is a right, in certain cases, to *inquire* into the *genuineness* of the flag carried by a ship suspected of being engaged in the slave-trade, and under circumstances exciting strong suspicions that the flag is fraudulently used. The cruiser has but a single question to ask. *Are you entitled to carry the American ensign?* If the examination show the affirmative to be true, all power of further interference ceases. The American flag will cover with its protecting folds, all ships which are legally entitled to carry it; and no cruiser of any foreign State can proceed beyond the simple *inquiry* as to its genuineness; not even if the ship be avowedly engaged in the slave trade, and if the tokens of this iniquitous traffic be in view.

Further, we have seen that there are two things which must concur, in order to justify even this *inquiry*. There must be strong reason to suspect, in the first place, that the ship is engaged in the slave trade; and, in the second place, that she is not legally entitled to the flag which she bears.

How clearly, then, is this narrow right distinguishable, in extent and in the occasion of its exercise, from the comprehensive belligerent right of search. The latter reaches all vessels, and carries with it, as we have seen, great power. The former is directed to a small number of vessels, and is restrained to a single *inquiry*, under circumstances peculiar and of rare occurrence.

But the two rights are distinguishable in another respect, which is more important still. The belligerent right of search is one of the great rights of war. It carries with it no responsibility to make compensation for injuries arising from its just exercise. The other right is of an humbler character, belonging to the police of the ocean in time of peace. Unless a party exercising it brings himself precisely within the rule, *he will be liable to respond in costs and damages*. He must at least be able to show what is known in the maritime law as *probable cause* for the exercise of it. He must be able to establish a case of well-founded suspicion, Janus-faced, that the ship was engaged in the slave trade, and that she had assumed a flag to which she was not entitled. He must be able to show that he confined himself to the simple *inquiry* which we have stated, and that he did not detain the ship longer than was requisite to satisfy himself on this single point. Otherwise he will be personally responsible for his conduct, as a wrong-doer; and the courts of England and the United States will be alike open for redress to all who may have suffered by his acts.

And here we say, in answer to Mr. Stevenson's interrogatories, as to the tribunal that is to determine the degree of suspicion which is to justify the act of inquiry, that, in the first place, the officer who makes it is to judge. He acts at his peril. It is one of the many responsibilities of his post. If, however, any question should afterwards arise, with regard to the proper exercise of the power, it may be considered and determined in the Court of Admiralty, whose high province it is, both in our country and in England, to administer the law of nations.

The question, whether the suspicious circumstances amounted to a justification of the trespass, is a question depending upon the peculiar facts of each case, with regard to the conduct and appearance of the ship. If this is so—and we think it cannot be otherwise—Lord Aberdeen would seem to have expressed himself too strongly in one part of his note, where he intimates that the mere fact of the fraudulent use of the American flag on the African coast of itself, constitutes that reasonable ground of suspicion which the law of nations requires in such a case. In another part of his note the rule is stated more correctly. No single fact can of itself, in all cases, justify this suspicion; for the same fact, as often as it occurs, may be attended by different circumstances, which shall materially qualify its influence. The rule is more reasonable and just which leaves each case to stand by itself, making the right of *inquiry* to depend upon all the circumstances affording ground of suspicion.

In point of fact, a right of so limited a character, involving so simple a ceremony, if exercised with proper caution—and we have the assurance of the British Foreign Secretary that special instructions on this head have been transmitted to her Majesty's cruisers—can scarcely be productive of any inconvenience. The true American ship, if its character is unfortunately drawn in question, will, on examination, go free, while the slave-trader, who has fraudulently usurped our flag, will alone find occasion for complaint.

Let us not be understood, however, as defending the right on the ground that it is limited in its nature, and that its proper exercise will be productive of little real inconvenience. Viewing this matter, as we do, on the ground of principle, its greater or less magnitude cannot enter as an element into our judgment; though we may be pardoned if we do not respond to the warmth of Mr. Stevenson, when the question dwindles before us, and loses the gigantic proportions which it assumed in his eyes.

What, then, is the ground of principle on which this right of *inquiry* is vindicated? The answer is prompt. It is the same ground which supports the belligerent right of search. This we have already seen is the subsequent right of capture. And it may be received as a general rule that wherever the right of capture exists, there is necessarily a correlative right, either of *search* or *inquiry*, in order to ascertain whether the ship or cargo is justly liable to capture. And this correlative right seems to be inherent in the nature of things. If not so, to what purpose is the right of capture given? how can it be used? In one breath the power is conceded; and in the next are denied the only means by which it can be made available. It would certainly be inconsistent with the justice and comity of nations to adopt this ground. And unless this right of inquiry be admitted, the extravagant doctrine must be espoused that the flag at the mast-head is conclusive evidence of the nationality of the vessel so as to preclude all further question. Even those who contend for the rule that "free ships make free goods," admit, according to Sir William Scott, the exercise of this right, at least for the purpose of ascertaining whether the ships are free or not.

It would seem to be a principle, deducible from reason and the law of nature, those great fountains of all law, that wherever a right or privilege is given, there is a corresponding right to ascertain the identity of the individual who claims it. The person of an ambassador is sacred; but

this high quality shall not protect an impostor. Nor can a herald, or the bearer of a white flag of truce, where his character is brought into suspicion, claim an immunity from inquiry. According to Homer, the courteous Nestor exercised this right, after receiving the wayworn Telemachus and his attendants on the hospitable shore of Pylos:

> "Now, gentle guests, the general banquet o'er,
> It fits to ask ye, what your *native shore*,
> And whence your *race*? on what adventure, say,
> Thus far you wander through the watery way?
> Relate, if business, or *the thirst of gain*,
> Engage your journey o'er the pathless main."

Our own municipal jurisprudence presents an analogy, which, if we may compare great things with small, may probably illustrate this aright. By the common law, a constable or other proper officer, having reasonable grounds of suspecting a party to be guilty of felony, may arrest him and carry him to prison, and he will be justified, even though the person prove to be innocent. In referring to this case of local law for assistance in determining a question of the law of nations, we hope not to fall under the sarcasm, hardly fit for "ears polite," which was directed by Burke against the precedents from the common law, produced by Erskine on the impeachment of Warren Hastings.

Pirates are treated as enemies of the human race, and are liable, wherever found, to be captured by the cruisers of any State. It seems to be admitted by Mr. Stevenson, and the law and practice of nations are doubtless in accordance with his admission, that a cruiser would be justified in *visiting* a ship which was suspected of being piratical. In this case the commander would act at his peril, and his visit must be limited to the precise object of inquiry. It has been suggested that this right of visitation grows out of the fact that piracy is an offence against the law of nations; but it is submitted that it stands upon the more intelligible rule above mentioned. The pirate is liable to capture, provided the suspicions with regard to his character prove to be well founded; and the cruiser is justified, by the principles of public law, in making such a visitation as will enable him to determine his true character. If it were not so, the law of nations, which has set a mark upon him, and pointed at him the finger of the world, would be little better than a dead letter.

Mr. Stevenson seems to have felt the weight of this analogy in the present case, which he has endeavored to extract from its influence. He argues that the slave trade is not piracy by the law of nations, and that, therefore, no right of visitation exists in order to suppress it. But this is a wrong issue. It is not necessary to show that the slave trade is contrary to the law of nations. It will be a sufficient justification of a cruiser, if he has a right to capture the suspected ship, supposing his suspicions well founded. To this right of capture the right of inquiry is ancillary. Now it will be conceded that, in pursuance of certain treaties whereto England, France, Spain, and Portugal are parties, the legally commissioned cruisers of these nations are empowered to capture all ships belonging to subjects of either of these nations, which shall be found engaged in the slave trade. Here is the right to capture; and inseparable from it, in all cases of well founded suspicion, is the right of *inquiry*, in order to ascertain whether the capture would be justifiable; that is, whether, among other things, the ship in reality belongs to subjects of the nations above mentioned.

And it can make no difference with regard to the exercise of this right, simply to ascertain the true nationality of the ship, that the United States are not a party to the treaties, securing to certain nations what is called a mutual right of search. By these treaties the power is given not merely to verify by inquiry the genuineness of every flag, but also a right to capture as prize all ships engaged in the slave trade, and belonging to subjects of these nations. This right the United States have refused to concede, on grounds which it is difficult to understand, and which, in the eyes of the world, throw a painful suspicion on the sincerity of their opposition to the slave trade. Still, in refusing this concession they are justified by the law of nations. But while they decline to give to any foreign Government the right to capture ships belonging to our citizens, they cannot be allowed to withdraw themselves from the operation of the general principles of the law of nations, which secure, under careful restrictions, and in cases of well-founded suspicion, the right to all legally commissioned cruisers to *inquire* into the liability of a ship to capture.

If we have not greatly erred with regard to the true foundations of this right of inquiry, it does not find its support, as Lord Palmerston and Lord Aberdeen seem to have contended, and as the President, in impugning it, has stated, on the necessity for its existence, in order to carry into execution treaties to which the United States have refused to become parties. It is true that these treaties produce the occasion for its exercise. But they do not create the right. This is of higher origin than the stipulations of any modern treaty. It is inherent in the nature of things. It is a part of those vital principles which help to confirm the peace of the world. And though, perhaps, it has never before been practically applied in this way, yet there can be no doubt that, in point of principle, it must always have existed—*tanquam gladius in vagina reconditus*—in the great armory of the rights of nations, only waiting the proper occasion for its exercise.

The question we have considered is one of several now agitated between the Governments of Great Britain and the United States—all of them, in the heated imaginations of many persons, bristling with war. So far as appears from the correspondence already published, and the language of the President, our country, in the present matter, seems to be clearly in the wrong. There is, however, another question between the two Governments, wherein the United States are as clearly in the right. We ask Great Britain to do justice to us. This should teach us to render justice. Let us, then, set the example among nations of acknowledging our error. Here will be no sacrifice of national honor, but a great glory rather. So may the sinister forbodings of war be hushed, and our testimony be recorded in favor of peace. C. S.

To THE preceding article a gentleman from Vermont, in a letter to a member of Congress, makes reply, and, as it is important that this question of a mutual, and qualified, and limited right of search, should be thoroughly examined and understood, we give the following extracts from this reply:

As an American citizen, I should have expected that Mr. S. would have looked at some of the arguments put forth during the administrations

of Washington, Jefferson and Madison, in opposition to it, and then fairly stated them, to have enabled the American public to come to an enlightened decision on the subject. If I understand him right, his proposition is, that there can be no danger in granting to Great Britain the right of search under certain limitations. This may be true, provided we could confine the naval officers of Great Britain within those limitations; but, once grant the right, what means have we of restraining the British naval officers from an arbitrary abuse of the granted power? Mr. S. says that the officers can be punished; but *can*, and *will*, in practice, have very different meanings. Will he be pleased to point out a single instance in which the British Government have punished a British officer for the most outrageous violation of this claimed right of search? I presume that no American will pretend to assert that the sovereignty of our country was not most grossly violated by Admiral Berkely in enforcing this pretended right of search against an American frigate. Was he punished? No. He was rewarded by being promoted from an inferior to a superior station; and by being placed in command of the second squadron, in point of dignity, in the British service. Was there ever a British officer punished for boarding our vessels, examining our seamen, tearing up the protections of the most able-bodied men in presence of the captains, mates and crew, and then forcibly taking the seamen aboard their men-of-war, and there keeping them to fight their battles? I defy Mr. S. or any one else to point out a solitary instance in which an officer has been cashiered, or even censured, for this insult to the national flag, and this violation of the rights of American citizens. I was not at all surprised that Sir William Scott, "in one of his admirable judgments," should assert this belligerent right of search in its greatest latitude; and "that it naturally carries with it all the means necessary to its exercise," and that "any injuries that may casually arise to property or persons of the neutral ship, are to be regarded as misfortunes, to be borne where they fall, and carrying with them no personal liabilities." Now let us see the consequences in practice that resulted from this "admirable judgment." Why, that hundreds of American vessels were sent into British ports, because British commanders chose to suspect them; and after feeing proctors and encountering other expenses incident to a trial, it being found that there was no just cause of condemnation, the vessel and cargo were released, mostly accompanied with the declaration that, as there was just ground of suspicion, the vessels and cargoes should be liable for the costs of court; which, with port charges, light money, &c., generally amounted to from one hundred to five hundred pounds sterling, besides sailors' wages, expense of provisions, demurrage, and the much more serious injury of the loss of a good market. Thousands of sailors, too, were impressed, upon suspicion of their being Englishmen, for the very conclusive reason that they spoke the English language, and were able-bodied men; and these impressed Americans were detained in the service until our war of 1812, when they were sent to English prisons, because they refused to fight against their own country, and were there detained as prisoners of war. In this same "admirable judgment" it is likewise broadly asserted that the British belligerent may overhaul the papers of the neutral, examine her cargo to determine whether it is contraband of war, or enemies' property; and any damage that may ensue from this detention and breaking out of

the cargo does not involve the cruiser in any trespass or wrong, or in any liability to costs and damage; and, by way of a rhetorical flourish, a proviso is added, "if it is done with prudence and with as little harshness as possible." It follows that if a British commander chooses to suspect that there are twenty barrels of tar, or twenty barrels of gunpowder, or twenty cannon, at the bottom of the hold of a vessel of five hundred tons, he will have the right to break out as much of the cargo as he chooses, and, after he finds nothing contraband, leave the vessel to her fate with probably a crew shortened by two or three impressed sailors, to restow the cargo in the best way they can; and that if the American neutral is lost or cast away in consequence of not being able properly to restow the cargo, owing to her being thus short-handed, why this "admirable judgment" asserts that the British commander is not to be liable for the damages, because the British commander had a right to search if there was cause of suspicion, of which cause of suspicion he is to be the sole judge. From this we are to infer that the ship's papers are to afford no evidence whatever, although it is well known that a manifest of a ship's outward cargo is exhibited at our custom-house, there to be sworn to, and that a clearance is given in conformity therewith; that bills of lading are to be made out specifying every article of merchandize on board the vessel, and that any false representation in regard to the cargo at an insurance office would vitiate the policy. The national character of the ship upon the high seas is sustained upon no better or higher evidence than the national character of the cargo, both being signed and countersigned by the same custom-house officers; in addition to which the national character, quantity and quality of the cargo are invariably sworn to, in a time of war, before a notary public, and usually accompanied with certificates from the belligerent Consuls; and all this testimony is to have no weight against the suspicions of any of her Britannic Majesty's commanders, nor are they to be liable for any damages for any search they may choose to institute, in utter disregard of those documents. When it is recollected that the hope of prize money is always urging on the commanders of cruizing vessels to the most arbitrary and unjustifiable acts in executing this pretended right of search, one is appalled that a man of talent, as Sir William Scott was well known to be, should countenance, by such an argument, a set of men who are well known not to be very scrupulous in perpetrating the most outrageous acts towards neutral nations. Mr. C. S. talks much about the law of nations in connection with the British Courts of Admiralty, intending to have it understood, I suppose, that those courts are regulated or governed by the law of nations in their decisions. So far from this, it is well known to all the world who know any thing of a British Court of Admiralty, that it is neither governed by the laws of God nor by the law of nations. It is purely a political court, and is governed in all its decisions by orders in Council, or is regulated in its decisions by the political interests indicated by the Ministry. Was any proof of this fact necessary, two or three are within my recollection which stand out in bold relief. The first is, the order of Council of the 6th November, 1793, directing the capture of all vessels bound to or from the French West India Islands, which I adverted to in my last. No intimation of such an order in Council was given to the American Minister resident in London, nor was published in the London Gazette, through which pa-

per official documents of this kind are usually promulgated; and the first knowledge that our government obtained of it was from the West Indies, Sir John Jarvis, the British Admiral on that station, having exhibited the order in Council in the British Courts of Admiralty in the West Indies, as authority for their condemning the vessels he captured under it; and those courts accordingly condemned them, I think, to the tune of two hundred and ninety-four.

The next order in Council which I shall quote was that of eighteen hundred and five or six, blockading the coast of France, Belgium and Holland, from Brest to the Elbe. Now, by the law of nations, no port can be legally blockaded unless there is a sufficient force before it to prevent all ingress and egress. At the time of issuing this order in Council, there was not a stationary force kept up before any port on this whole line of coast, except Brest; and yet our vessels, for attempting to enter Havre, Dunkirk, Antwerp, Rotterdam, or Amsterdam, or coming from them, were captured and condemned.

The next to which I shall allude was the order of Council, I think, of the next year, directing the capture of all vessels bound to an enemy's port that had not first touched at a British port, paid duties there, and taken a clearance from thence; and many vessels were likewise captured under this order in Council.

Here are some precious specimens of the attention that is paid to the law of nations in the decisions of the British Admiralty Courts. Yet Mr. S. makes a great parade about the law of nations, intending to make his readers believe that the law of nations was the rule of the Admiralty decisions. I could point out many more instances of the utter contempt which the British Government have shown for the law of nations, in the course of their maritime warfares. But Mr. S. thinks that, under certain limitations and restrictions, this right of search may be safely granted to the British cruisers. To judge with any tolerable correctness of the probable result of any concession of this kind, one must clearly understand the intention, interest, feeling and spirit of the party to whom its execution is to be intrusted. If we were to place a dirk and pair of pistols in the hands of a Quaker, we might fairly conclude that he would not make an improper use of them; but place the same instruments in the hands of a bravo, the probable consequence would be that he would dirk or shoot the first man against whom he had a resentment, or whose property he wished to possess. We all know the deep spirit of jealousy with which the British nation view the rivalry of any other people in any branch of commerce. It is equally well known that her naval officers are strongly imbued with this feeling, and that this spirit of supremacy has been encouraged by their naval song of "Britannia rules the waves," and others, and by the motto of their naval chronicle, which modestly declared that no ship on the ocean sails but by England's permission, until those naval officers believe that no other flags have rights on the ocean but their own; and generally treat them as interlopers or marauders who are interfering with the rightful claims of Great Britain to an exclusive commerce.

To men who are deeply impressed with this spirit, Mr. S. would leave the unprotected merchantmen of the United States, and trust to their sense of justice and forbearance to execute this delicate right of search.

The writer of the preceding thinks it far better to send fast sailing

armed vessels to the African coast, to carry into effect our own laws for the suppression of the slave trade, without interfering with the policy of others, or allowing any attempt to violate our own maritime rights. It should be recollected that in 1823, the then Secretary of State of the United States, (the Hon. John Quincy Adams,) under a resolution of the House of Representatives almost unanimously adopted, requesting "the President of the United States to enter upon and to prosecute, from time to time, such negotiations with the several maritime powers of Europe and America, as he may deem expedient, for the effectual abolition of the African slave trade under the law of nations, by the consent of the civilized world," engaged in an able correspondence with Mr. Canning, on the subject of a mutual right of search for the suppression of this traffic, and finally transmitted to our Minister in England, Mr. Rush, the draft of a convention to which the Government of the United States was willing to become a party. We submit the following passage from the letter of Mr. Adams to Mr. Rush:

"We have declared the slave trade, so far as it may be pursued by citizens of the United States, piracy; and, as such, made it punishable with death. The resolution of the House of Representatives recommends negotiation, to obtain the consent of the civilized world to recognize it as piracy, under the law of nations. One of the properties of that description of piracies is, that those who are guilty of it may be taken upon the high seas, and tried by the courts of every nation. But by the prevailing *customary* law, they are tried only by the tribunals of the nation to which the vessel belongs in which the piracy was committed. The crime itself has been, however, in modern times, of so rare occurrence, that there is no uniformity in the laws of the European nations with regard to this point, of which we have had remarkable and decisive proof within these five years, in the case of piracy and murder, committed on board the schooner Plattsburg, a merchant vessel of the United States. Nearly the whole of her crew were implicated in the crime, which was committed on the high seas. They carried the vessel into Christiansand, Norway, there abandoned her, and dispersed; three of them were taken up in Denmark, one in Sweden, one at Dantzig, in Prussia, and one in France. Those taken up in Denmark and in Sweden were delivered up to the officers of the United States, brought to this country, tried, convicted and executed. The man taken at Dantzig, was, by consent of the Prussian Government, sent to Elsineur, and there confronted with those taken in Denmark. The evidence against him on the examination was decisive; but, as he persisted in the refusal to *confess* his guilt, the Prussian Government, bound by an established maxim in their municipal law, declined either to deliver him up, or to try him themselves, but sent him back to Dantzig, there to remain imprisoned for life. The French Government, upon advisement of the highest judicial authority of the kingdom, declined, also, either to try the man taken up there, or to deliver him up, unless upon proof of his guilt being produced against him, at the place where he was confined; with which condition, it not having been in our power to

comply, the man remained there, also in prison, presumably for life. From these incidents it is apparent that there is no uniformity in the modes of trial, to which piracy, by the law of nations, is subjected in different European countries; but that the trial itself is considered as the right and duty only of the nation to which the vessel belongs, on board of which the piracy was committed. This was, however, a piracy committed on board of a vessel by its own crew. External piracies, or piracies committed by, and from one vessel against another, may be tried by the courts of any country, but are more usually tried by those of the country, whose vessels have been the sufferers of the piracy, as many of the Cuba pirates have been tried in the British West India Islands, and some of them in our courts.

"This principle we should wish to introduce into the system, by which the slave trade should be recognized as piracy under the law of nations; namely, that, although seizable by the officers and authorities of every nation, they should be triable only by the tribunals of the country of the slave trading vessel. This provision is indispensable to guard the innocent navigator against vexatious detentions, and all the evils of arbitrary search. In committing to foreign officers the power, even in a case of conventional piracy, of arresting, confining and delivering over for trial, a citizen of the United States, we feel the necessity of guarding his rights from all abuses, and from the application of any laws of a country other than his own.

"The draft of a convention is herewith enclosed, which, if the British Government should agree to treat upon this subject on the basis of a legislative prohibition of the slave trade by both parties, under the penalties of piracy, you are authorized to propose and to conclude. These articles, however, are not offered to the exclusion of others which may be proposed on the part of the British Government, nor is any one of them, excepting the first, to be insisted upon as indispensable, if others equally adapted to answer their purposes should be proposed. It is only from the consideration of the crime in the character of piracy, that we can admit the visitation of our merchant vessels by foreign officers for any purpose whatever, and in that case only under the most effective responsibility of the officer for the act of visitation itself, and for every thing done under it.

"If the sentiments of the British Government should be averse to the principle of declaring the trade itself, by a legislative act, piratical, you will not propose, or communicate to them, the enclosed project of convention. Its objects, you will distinctly understand, are two-fold: to carry into effect the resolution of the House of Representatives; and to meet, explicitly and fully, the call so earnestly urged by the British Government, that, in declining the proposals pressed by them upon us, of conceding a mutual and qualified right of search, we should offer a substitute, for their consideration. The substitute, by declaring the crime piracy, carries with it the right of search for the pirates, existing in the very nature of the crime. But, to the concession of the right of search, distinct from the denomination of the crime, our objections remain in all their original force.

AFRICAN COLONIZATION.

IMPORTANT MEETING IN WASHINGTON.

On Wednesday evening, the 16th inst., a meeting of the citizens of Washington, and of strangers interested in the cause of the American Colonization Society, was held in the Assembly Rooms, when the Rev. Wm. Hawley (one of the Vice Presidents of the Society) was called to the chair. The Secretary of the Society (Mr. Gurley) stated the object of the meeting, and in a speech of some length, urged the importance of arousing the public mind of the country to a sense of the magnitude and benevolence of the scheme of African Colonization. He showed that the earliest and ablest benefactors and advocates of the Society, had regarded this plan as one of great interest to Africa and America, and operating benevolently in all directions, and towards all classes in these two quarters of the world. He showed that these eminent men (Gen. Harper, Mr. Madison, Chief Justice Marshall, and others,) relied not upon private efforts alone, but expected the interposition of the State and General Governments. As long ago as 1824, Gen. Harper made a report on the subject, and among other things said, "this the committee regard as an undertaking strictly and essentially national, in which, consequently, the national resources ought to be employed. The evil to be removed particularly affects, indeed, particular parts of the nation; but affects the rest by its necessary consequences, and is therefore a national evil."—Again, "These reasons have led the Committee to conclude that application ought to be made to the National Government. They are aware that doubts exist, in quarters entitled to the highest respect, about the expediency of making this application at present. But after a careful consideration of that point, they are of opinion, that an immediate application is advisable. The time has come, when the way being found to be practicable, opened and prepared, the National Government may, with propriety, enter on this great career.

"The Committee would also remark, that, although it may be doubted whether, on a subject so vast in its consequences and connections, and so new, Congress will act immediately, this does not, in their opinion, furnish any sufficient reason for delaying the application. Time must be allowed for viewing the subject in all its bearings, for reflection on it maturely, and for public opinion to receive and communicate the proper impulse. Nothing, the Committee apprehend, will tend so effectually to produce and to hasten these desirable results, as full discussions and explanations of the whole subject in Congress, for which the present moment seems particularly favorable.

"On the nature and extent of the aid which it would be proper to ask,

more doubt may exist. But the Committee are of opinion, after much reflection, that Congress ought to be requested to take under its protection the Colony already planted, to make provision for its increase by suitable appropriations of money, and by authorizing the President to make further purchases of land from the natives, as it may be wanted; to provide for its security, internal and external, by such regulations for its temporary government, as may be deemed advisable, and by authorizing the President to employ a suitable naval force on the coast, as well for the more effectual suppression of the slave trade, as for the purpose of impressing the natives with respect for the establishment; and to make provision for the purchase, from time to time, of suitable territories, on the south-western coast of Africa, for the establishment of other similar colonies, as fast as they can be formed, with a due regard to the national resources and to the public good."

Allusions were made to the early connection which had existed between the movements of Government to suppress the slave trade and the plantation of our African Colonies; to the act of Congress of the 3d of March, 1819, and the selection by ex-President Monroe of the spot purchased by the Society in Africa as the place of residence for the recaptured Africans, to whom, under that law, he was authorized to extend support and protection, for a time, in that country; and to the very great advantages derived by the Society, in its early endeavors, from the countenance and assistance of the Government, and subsequently from the visits of our armed vessels to the African coast. It was stated that the abolition of the African slave trade had, from the foundation of the Government, been deemed an object embraced within its legitimate powers; that Liberia had essentially contributed to suppress this traffic along several hundred miles of coast; and that it was entirely consistent with our past national policy, as well as demanded by all considerations of justice and humanity, for the Federal Government to extend to this Colony some encouragement and protection. At present the necessity for this was great.

The Secretary adverted to the fact, that it was through the influence of the early memorials addressed to Congress by the Society, that the slave trade had been denounced as piracy by our statute law, and that a comfortable home had been provided for those, who might be released by our cruisers from the horrors of the slave ship. He then offered to the attention of the meeting the written opinions of ex-President Madison and the late Chief Justice Marshall, in 1831, on the general subject, to show that in the view of these great and good men this scheme was no insignificant project, but of a far-reaching and sublime comprehensiveness and dignity. Mr. Madison's words were:

"Many circumstances at the present moment seem to concur in brightening the prospects of the Society, and cherishing the hope that the time will come, when the dreadful calamity which has so long afflicted our country and filled so many with despair, will be gradually removed and by means consistent with justice, peace, and the general satisfaction: thus giving to our country the full enjoyment of the blessings of liberty, and to the world the full benefit of its great example. I never considered the main difficulty of the great work as lying in the deficiency of emancipations, but in an inadequacy of asylums for such a growing mass of population, and in the great expense of removing it to its new home. The spirit of private manumission as the laws may permit and the exiles may consent, is increasing and will increase; and there are sufficient indications that the public authorities in slave-holding States are looking forward to interpositions in different forms that must have a powerful effect. With respect to the new abode for the emigrants, all agree that the choice made by the Society is rendered peculiarly appropriate by considerations which need not be repeated, and if other situations should not be found eligible receptacles for a portion of them, the prospects in Africa seem to be expanding in a highly encouraging degree.

"In contemplating the pecuniary resources needed for the removal of such a number to so great a distance, my thoughts and hopes have been long turned to the rich fund presented in the western lands of the nation, which will soon entirely cease to be under a pledge for another object. The great one in question is truly of a national character, and it is known that distinguished patriots not dwelling in slave-holding States have viewed the object in that light, and would be willing to let the national domain be a resource in effecting it.

"Should it be remarked that the States though all may be interested in relieving our country from the colored population, they are not equally so; it is but fair to recollect, that the sections most to be benefited, are those whose cessions created the fund to be disposed of.

"I am aware of the constitutional obstacle which has presented itself; but if the general will be reconciled to an application of the territorial fund to the removal of the colored population, a grant to Congress of the necessary authority could be carried, with little delay, through the forms of the Constitution."

Chief Justice Marshall said,

"It is undoubtedly of great importance to retain the countenance and protection of the General Government. Some of our cruisers stationed on the coast of Africa would, at the same time, interrupt the slave trade—a horrid traffic detested by all good men, and would protect the vessels and commerce of the Colony from pirates who infect those seas. The power of the government to afford this aid is not, I believe, contested. I regret that its power to grant pecuniary aid is not equally free from question. On this subject I have always thought, and still think, that the proposition made by Mr. King,* in the Senate, is the most unexceptionable and the most effective that can be devised.

"The fund would probably operate as rapidly as would be desirable, when we take into view the other resources which might come in aid of it, and its application would be, perhaps, less exposed to those constitutional objections which are made in the south than the application of money drawn from the Treasury and raised by taxes. The lands are the property of the United States, and have heretofore been disposed of by the government under the idea of absolute ownership."

"The removal of our colored population is, I think, a common object, by no means confined to the slave States, although they are more immediately interested in it. The whole Union would be strengthened by it, and relieved from a danger, whose extent can scarcely be estimated. It lessens very much in my estimation, the objection in a political view to the application of this ample fund, that our lands are becoming an object for which the States are to scramble, and which threatens to sow the seeds of discord among us, instead of being what they might be—a source of national wealth."

* Resolution, submitted to the Senate of the United States, by the Hon. Rufus King, of New York, February 18th, 1825.

Resolved, That as soon as the portion of the existing funded debt of the United States, for the payment of which the public land of the United States is pledged, shall have been paid off, then and thenceforth, the whole of the public land of the United States, with the nett proceeds of all future sales thereof, shall constitute or form a fund, which is hereby appropriated, and the faith of the United States is pledged, that the said fund shall be inviolably applied to aid the emancipation of such slaves, within any of the United States, and aid the removal of slaves, and the removal of such free people of color in any of the said States, *as by the laws of the States* respectively, may be allowed to be emancipated, or removed to any territory or country without the limits of the United States of America.

Mr. Gurley then defended the general principles and purposes of the Society, and enforced its claims as philanthropic, in an enlarged sense, to our sympathies, exertions, to the confidence of all friends of the colored race, and of the Union. But we do not give even a sketch of the speech.

Mr. Gurley submitted the following resolutions :

Resolved, That the time has arrived when all the friends of the American Colonization Society should redouble their exertions, and increase greatly its influence and resources.

Resolved, That the deep, extensive and appalling miseries of Africa, arising from ignorance, barbarism, superstition and the slave trade, so destructive of her vital interests, and annually of the liberties and lives of half a million of her inhabitants, should be compassionated and relieved by the combined efforts of the whole Christian world.

Resolved, That the colonization of the free people of color of the United States, and of such as may become free, with their own consent, in Africa, promises great benefits to them and their posterity, and is fraught with blessings of incalculable value to the African race.

Resolved, That to prosecute this scheme in a manner worthy of its importance, or the character of this country, large pecuniary resources are indispensable, and while the appeal should still be made in its behalf to humanity and to the various sources of Christian charity, some degree of protection and aid should be sought for our African settlements from the State Legislatures and the General Government.

Resolved, That the suppression of the African slave trade has, from the very origin of our National Government, been regarded as an object embraced within its legitimate powers ; and since the success of the Colony of Liberia has powerfully contributed and must more powerfully contribute to the suppression of this trade, and since at this moment the necessities of this infant Colony, and its exposure to severe commercial restrictions, if not to subjection or annihilation, through the interfering policy of other nations, call upon us to withhold no encouragement and support which it is possible for us to extend to it, our fellow citizens universally be earnestly invited to solicit, by memorials, such aid from their respective States, and such interposition and assistance from Congress, as they may judge it expedient to grant.

Resolved, That the several State Colonization Societies, and other auxiliary associations, be requested to take into immediate consideration the pecuniary wants of the Society, (especially arising from the importance of its being forthwith enabled to convey and settle in Africa from eighty to eighty-five slaves, of the very best character, offered for colonization by a single citizen of Louisiana,) and that the clergy of every name be invited to take up collections annually, on or about the 4th of July, for the Society.

Resolved, That a committee be now appointed to confer with gentlemen in Congress who may regard favorably the object of the American Colonization Society, and especially to make arrangements for a public meeting or convention of the friends of this Society, not only of this District, but other regions of the country, to be held in this city at such time as the committee may judge best, in order to adopt the best measures to awaken the mind of the nation to a sense of the importance of the cause, and suggest the best means of prosecuting it with energy adequate to its importance and to full and complete success.

On motion of the Hon. E. Whittlesey, the resolutions were read, and the question upon them taken separately. On the reading of the third resolution, Mr. Whittlesey, rose, and, in a brief but very impressive manner, bore testimony to the improvement, good order, intelligence, and religion which marked the character of the colonists of Liberia. He apprehended no special obstacle to the progress of the scheme would be found in the African climate ; stated that the ratio of deaths had been fewer the last year than in some of our own cities ; that he felt assured it was for the best interests of our colored population to occupy and subdue by their industry that vast and most productive country. He thought the time had arrived when efforts

were required to excite the benevolence of the whole nation in behalf of the Society, and when the States and General Government should be invited to extend to our African settlements some degree of favor and support.

The resolutions were then unanimously adopted.

On motion of M. St. Clair Clarke, it was ordered that the proceedings of the meeting be published.

WM. HAWLEY, *Chairman.*

LETTER FROM LIBERIA.

The following letter is from an active and intelligent young man of color, who recently emigrated to the Colony. He was from Hartford, Connecticut. It gives his early impressions of the country.

Monrovia, *December*, 21*st*, 1841.

Dear Sir: It is with pleasure I write to you from this place. I am well, and hope these few lines will find you and all the family the same.

We had a voyage of fifty-two days—we experienced calms which were the means of detaining us. On the voyage I was very sick most of the way, but since my arrival in this country my health has improved very much, and all the produce of the country is suited to my taste. I like the country very much, and I would not exchange it for America, notwithstanding we do not have some things to enjoy which you have there. This is the land for the colored man in all circumstances of life. The farmer, the merchant, the mechanic, all stand on one equal footing here.

But when I say all men, I would not encourage the idler to emigrate, for the fact is, a man cannot get a living here without working at something; nor would I encourage a man who will drink rum.

I intend to remain here if the Lord will. I choose this for my home before any other country, and I think I can do good in the Colony in three ways, if my health is spared, and I have the means. First, I can farm; next, I can teach; thirdly I can do joiner's work if I can have the tools, for which I must look to America. I wish, sir, if you please, that you would send me a chest of joiner's tools of every sort. I have one more request to make, that is, for some nails for shingles, 8 and 10's, also 20's, for framing houses and roofing. But, sir, I leave it to yourself to say whether these things can be sent; and if so, when it will be convenient to send them.

Sir, you may wish to know how you will be reimbursed for what I wish to have sent, but you will please say whether you would be willing to take Palm oil and Camwood, in return. I mention these two articles, for they are the chief currency of the coast. Please write me respecting this.

I wish to say that I am going to Edina, and from there to Bexley. I expect to commence farming as soon as I am permitted. In the rainy season, I shall try to teach, for no one can then work out of doors to any amount, therefore the time must be spent in work of improvement. Please remember me to your family. I wish they could see the beauties of this country. Please, sir, pardon my boldness.

Your humble servant,

GEORGE L. SEYMOUR.

Anson G. Phelps, Esq

THE REV. ANDREW A. SHANNON.

LEGACY TO THE SOCIETY.

The Republican Banner, printed at Madison, Indiana, contains an obituary notice of this very faithful and much respected minister of Christ, who died at Shelbyville, Ky., February 1st, 1842. Mr. Shannon was a native of Lancaster, Pa., licensed to preach by the Presbytery of Hanover, Va., in 1808, settled until 1819 in Fredericktown, Va., and subsequently resided at Shelbyville to the close of his life.

"During a considerable portion of his residence in Shelbyville, he taught either the public Seminary or a private school; and from this service he derived almost his entire support.

"As a general scholar Mr. S. was highly reputable; in some branches he greatly excelled. Beyond doubt he was among the most accurate and critical Latin scholars in the State. To the truth of this his numerous pupils can attest.

"In his mode of preaching, Mr. S. was mild and persuasive; and though his attractions might have been less than some, his repulsions were much less than others.

"During his protracted illness, (his disease was asthma, from which he suffered exceedingly,) the writer was intimately and thoroughly acquainted with the exercises of his mind. The exhibitions of his feelings, during this season, were strictly characteristic. He seemed unwilling to attract the attention of even his dearest friends and brethren to himself. What was learned, was rather by inference than from declaration. He often spoke of the foundation of his confidence, but rarely, directly of his hopes. He dwelt mostly on the sovereignty of God, as a reason for submission to his dispensations, and his ample provision for the guilty, as the basis for trust in his grace."

"It may not be improper," says the Editor of the Banner, "that we should say that Mr. S. in the disposition which he made of his estate (which was worth perhaps some six thousand dollars) evinced his attachment to those objects of benevolence which he had delighted while living to cherish and advance; the whole, after deducting some eight hundred dollars in specific legacies being devised to the following objects, to wit: $1000, to the transportation and colonization in Liberia of five negroes emancipated by him some seven years since; $100 to the Union Theological Seminary in Virginia. The remainder of his estate to be divided equally between the American Colonization Society, the American Bible Society, and the American Board of Commissioners for Foreign Missions."

DEATH OF THE REV. GEO. M'ELROY.

This estimable minister and devoted friend to Africa, died, recently, near Natchez, Mississippi. The Elders and Deacons of his church in Winchester, Kentucky, express (in the Protestant Herald, published at Bardstown, Kentucky,) their sincere grief "for the loss of an esteemed pastor, an endeared friend, and a faithful brother, and their unfeigned sympathy for his surviving relatives and friends."

Some years since Mr. M'Elroy, accompanied a body of emigrants from Kentucky to Liberia, and subsequently labored with zeal and success to promote the cause of Colonization. He evinced a very disinterested and ardent desire to promote the interests of Africa and her children, and did much, we believe, to strengthen the attachment of his fellow citizens of Kentucky to a scheme which he had seen practically developed in Liberia. Thus our friends depart. But from the high abodes of the pure and just, we doubt not, they will look down with delight and witness the growth of civilization and the ever-blooming virtues, in a region just reclaimed from barbarism and brought within the enclosures of law, liberty and Christianity.

CONTEMPLATED EXPEDITIONS.

THIRTEEN free persons of color, from the State of Illinois, are now in Norfolk, waiting to embark for Liberia, and a very interesting company are on their way from Tennessee to that port. They are accompanied by Mr. L. C. Walker, Agent of the Society, and by Mr. Z. Harris, a citizen of Liberia, who so distinguished himself in the defence of the Missionary Station at Heddington.

The Society is compelled to ask the assistance of all its friends. The fine body of people in Louisiana, offered their liberty by a philanthropic gentleman of that State, and who have been trained up and educated by him for freedom, will be ready to embark in May. We are aware that to raise funds, at this time, even for the best objects, is difficult, *but if our friends throughout the Union would each contribute one dollar to our Treasury, the wants of the Society would be supplied. To* THEE *reader, we make our appeal.*

THE French have blockaded the river Noonez in consequence of aggressions on the persons and property of merchants at that place. They are determined to compel the king of the country to make satisfaction for past injuries, and bind himself to good conduct for the future.

CONTRIBUTIONS *to the Pennsylvania State Colonization Society, from January 27th, to March 27th,* 1842, *inclusive.*

From a female friend at Churchtown,	3 00
" A. McIntyr, Esq., 4th annual subscription of	100 00
" Dr. H. L. Hodge,	50 00
" Friends at Bedford, per R. McGlathery, Esq.	16 50
" Presbyterian Church, Pequa, per J. Buyers, Treasurer, per the hands of Messrs. McFarland & Co.,	5 00
Wilmington, Del., per Paul T. Jones, Esq. as follows:	
From a Ladies' Colonization Society $19, Mrs. L. H. H. Porter $3, Mrs. Judge Hall and Mrs. Hilleyard, each $1,	24 00
From J. Emmet, Esq., annual subscription for 1842,	5 00
" Wm. S. Martin and R. P. King, each $5,	10 00
West Greenville, per S. Goodwin, Esq., as follows:	
From Dr. H. H. D. Cossett and Adam Seiple, each $2, John Moore, Jonathan Long, F. R. Sill, Rev. P. Siser, each $1,	8 00
" Alexander Henry, Esq., donation,	50 00
" *Jefferson* Colonization Society, L. & F. G. Bailey, $20, T. Colver $5, A. Wilkins $2, A French traveller, A. D. D. $1; Noblestown Col. Society, per J. Snodgrass, Esq., $1 50; East Liberty Presbyterian Congregation, $17 25, per G. R. White, Esq.,	46 75
" Rev. James Fleming, Union Presbyterian Church, West Union, Va., per C. M. Reed, Esq.,	20 25
Collected by Rev. John B. Pinney, General Agent:	
Burlington, S. Bradford $5, Miss C. Watson, Prof. J. Griscom and Mr. Jones, each $2. Mr. Powell $1 50, M. Smith, Mr. Aikman, Major Allen, Rev. J. E. Wench, and cash, each $1,	17 50
Trenton, Mr. Fenton,	6 00
Lancaster, Rev. Mr. Glassner and Miss Bryan, each $2, various small donations, $6 25,	10 25
Carlisle, J. B. Parker, F. Watts, G. A. Lyon Dr. Finley, J. Hamilton, each $5, W. H. Allen and J. McClintock, each $2 50, M. Caldwell, A. Blair, G. Metzger, M. Holmes and S. W. Gibson, each $2, Mr. Bidler, R. Irvine, J. V. E. Thom and S. Wumdenlat, each $1,	44 00
Harrisburg, a Friend and Mr. Allison, each $5, B. Parke, Mr. Alricks, A. Alricks and Mrs. Geiger, each $3, A. Graydon $2 50, Wallace McWilliams and Esq. Haldeman, each $2, Collection $23 61,	52 11
Total,	$468 86

CONTRIBUTIONS *to the American Colonization Society from 24th February, to 25th March*, 1842.

NEW HAMPSHIRE.

Per Capt. Geo. Barker, Agent.

Francistown, D. Fuller, $5, Peggy Fuller, D. Fuller, jr., each $1 50, Mrs. Fuller $1.	9 00	9 00

MASSACHUSETTS.

Northampton, Remitted by L. Strong, on account of the Legacy of the late Rev. J. L. Pomroy,	250 00	
Charlestown, T. Marshall, Treasurer Colonization Society,	200 00	450 00

RHODE ISLAND.

Bristol, Mrs. M. A. DeWolf, per Hon. J. L. Tillinghast,	5 00	5 00

MICHIGAN.

Detroit, John Owen,	10 00	10 00

DISTRICT OF COLUMBIA.

Washington, Lt. Webster, U. S. army, per Dr. Lindsly,	5 00	5 00

VIRGINIA.

Leesburg, St. James Church, per Rev. E. R. Lippett,	7 00	
Arlington, Mrs. Geo. W. P. Custis, per Rev. R. R. Gurley,	10 00	
Brickland, John C. Blackwell, his annual subscription of $10 for 1841 and 1842,	20 00	
Fluvanna, John H. Cocke, jr., his annual subscription,	100 00	
King George, Younger Johnson do.	10 00	147 00

OHIO.

Cincinnati, Judge Burnett, his annual contribution,	100 00	
Granville, Sereno Wright, his annual contribution, per Hon. J. Mathiot,	10 00	110 00
Total Contributions,		$736 00

FOR REPOSITORY.

MASSACHUSETTS.—*Brighton*, L. Baldwin, J. B. Mason, J. Field; *Brookline*, Dea. Thos. Griggs, S. A. Robinson, S. Craft, each $1 50, for 1842,	9 00
Springfield.—Mrs. E. A. Peabody, for 1842, $2,	2 00
VERMONT.—*Bennington*, L. Patchin, for 1842,	1 50
NEW YORK.—*Manlius*, D. Weston, to May, 1843, $2; *Mexico*, Rev. R. Whiting, to January 1843, $3; *Caroline*, Dr. Jos. Speed, to September, 1842, $1,	6 00
DISTRICT OF COLUMBIA.—*Alexandria*, Capt. W. Morrill, for 1842,	2 00
VIRGINIA.—*Brickland*, S. C. Blackwell,	2 00
NORTH CAROLINA.—*Haggville*, V. Bennehan, for 1842,	1 50
TENNESSEE.—*Clarksville*, Judge Martin, for 1841,	2 00
KENTUCKY.—*New Castle*, W. H. Allen, for 1842,	2 00
ILLINOIS.—*Sparta*, R. G. Shannon, for Col. Soc. $11,—less 40 per cent. discount on remittance, $4 40,	6 60
For Repository,	$34 60
Total Contributions,	736 00
Total,	$770 60